

Montana Transportation Commission

October 20, 2006 Meeting

MDT Commission Room
2701 Prospect Avenue
Helena, MT

IN ATTENDANCE

Bill Kennedy, Transportation Commission Chair
Kevin Howlett, Transportation Commissioner
Rick Griffith, Transportation Commissioner
Deb Kottel, Transportation Commissioner
Nancy Espy, Transportation Commissioner
Sandra Straehl, MDT Rail, Transit & Planning Administrator
Jim Lynch, MDT Director
Jim Curries, MDT Deputy Director
Loran Frazier, MDT Chief Engineer
Jim Reardon, MDT
Dwane Kailey, MDT Missoula District Administrator
Mick Johnson, MDT Great Falls District Administrator
Dave Johnson, MDT
Janice Brown, Federal Highway Administration
Scott Swarens, Federal Highway Administration
Lori Ryan, Transportation Commission Secretary
Jeff Kirby, Construction Administrative Services Bureau

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OPENING – Chairman Bill Kennedy

Chairman Bill Kennedy called the meeting to order at 8:30 a.m. and read through the Meeting Agenda. After the pledge of allegiance, Commissioner Howlett offered an invocation.

Agenda Item 1: TCP Approval.

Director Lynch stated they spent the last five days going through the TCP process, and congratulated the MDT staff who put the process together. As you know it is a very complicated and tough process to make everything fit and balance and they did a tremendous job. He thanked the Commissioners who play a very important role in getting the process going to come up with a plan that will best serve the State through the next five years. The process was very thorough and there was an awful lot of positive dialogue.

Deputy Director Jim Currie stated that MDT goes through this process each year to essentially set the tentative construction program for the five-year planning horizon. This year the federal fiscal year 2011 was added to the planning horizon. There were a couple of issues this year that he felt made the process a little bit difficult. One was that the process was changed a little bit in that we were balancing the obligation authority as opposed to apportionment. That means we were actually balancing the contract authority to the money we had to spend rather than just authorization from the federal government. We also had the issue of the hyper-inflation which impacted our engineering estimates, and while we are still utilizing all available federal funds for Montana, I think it is pretty clear from the process that those federal funds aren't buying as many projects. He directed the Commissioners to the spreadsheet which had the total wrap-up for the entire federal aid program showing a total of \$288 Million.

Essentially all week we have been looking at each one of these categories of funding and making sure they are fiscally constrained to what we believe the available federal funding is going to be. If you look at the second page of the spreadsheet, you will see that in fiscal year

2007 we have over-programmed slightly by \$7,381,000. Fiscal year 2008, we've over-programmed by \$10,106,000. In 2009 we've actually under-programmed \$13,306,000. With a program this size and all the moving parts contained in this program, it is not possible or even feasible to balance to a zero balance. I think as we went through it, there are some districts that are positive in some categories and others are negative. The net effect is that for fiscal years 2008, we actually are a little over-programmed; for fiscal years 2009, 2010, and 2011 we are under-programmed. Does this mean for those outer years we don't have enough projects to obligate all the federal funds? No it does not. We have plenty of projects that are setting beyond the 2011 planning horizon. The reason they are not reflected in here is that at this point in time the status either is they didn't have a ready date that we could put in here or that it ended up causing such negatives in some categories by district that we just didn't put it in here. So we will have no absolutely no problem in the outer years utilizing all our federal aid funding in the manner prescribed by the needs of the system.

One year ago when we went through this process the Commission directed the Department to build one rest area per year. As we went through this process and because of the impacts of the hyper-inflation and the increases in our engineering estimates which you were all involved in, we were not able to do that as directed by the Commission last year. So I am going to be asking the Commission to rescind that language. When you look at the priorities and the available funding, it just was not feasible for us, as we put this plan together this year, to get a rest area project in every fiscal year.

I would ask the Commission to approve this tentative construction plan as presented, recognizing the fact that for fiscal years 2007 and 2008 we have actually over-programmed slightly, and authorize the department to work with the Commission to manage our federal aid program so that we live within our federal obligation authority. If I could get a decision on those two things I believe we are set to go for another year.

Director Lynch stated that in the rest area program it appears that out of our five-year horizon we only have two years where we aren't doing a rest area and there are three years where we are actually doing a rest area. So it isn't like we are abolishing the plan, there just may be a year where we don't. In 2007 we have the Anaconda Rest Area scheduled, in 2009 the Bearmouth Rest Area is scheduled, and there are others.

Commissioner Howlett said if there is not a possibility of getting them in next year then maybe a later date would be a good thing. He asked if next year was covered. Director Lynch stated yes and 2009 was covered as well. He stated that if they could get it designed and built there was enough to cover 2010. Commissioner Howlett stated he did not want to abandon that thinking and felt there it was more of a political statement by abandoning the rest area projects than a financial one. Deputy Director Currie stated he recognized that concern and he was a strong supporter of building good rest areas. When driving out of state and seeing the nice rest areas in other states then coming back into Montana and seeing the rest areas we have, he didn't believe it was a good message that Montana was sending. There is a rest area plan that has been approved by the Commission that is still in place. It doesn't state one has to be built every year but it is a plan on how Montana is going to address rest areas. That plan is still in effect and Montana is still following it and unless the Commission was to change that plan, the commitment is there for the rest areas.

Chairman Kennedy stated the Commission could give the Department some leeway – the policy is to build one every year contingent upon funding. That way if there isn't sufficient funding that year, then we wouldn't follow that policy and make everything contingent upon funding. That would keep the policy in place but also give us some discretion every year as we look at the program. He felt that might alleviate the problem stating that if we had some projects that didn't get done or had some more dollars than we expected, we could fit a project in that fiscal year or the following fiscal year.

Commissioner Espy asked if it would be possible to amend the policy. Commissioner Kottel stated that one of the rest areas is coming out of my district and it is something that needs to be done for our district because of a higher priority project, therefore I would like to amend the current policy and make the motion to amend it to add the language "contingent upon funding". Deputy Director Currie felt that would be the appropriate way to handle it. Even though we are trying to balance funding with additional construction

costs, I believe if we are granted the flexibility we will be able to get the rest areas built fairly close to what we think the motorists in Montana expect rest areas to be.

Commissioner Kottel moved to amend the current policy to add the language “contingent upon funding.” Commissioner Espy seconded the motion. All five Commissioners voted aye.

The motion passed unanimously.

Chairman Kennedy stated there was a plan in front of the Commission, it is a very fiscally responsible plan, and we’ve worked within our means. It has been a tough week to try and juggle it and I want to thank all the staff for everything they have done, as well as Federal Highways and Jim Currie and Jim Lynch for putting everything together. We looked at a bleaker outlook when we started the week then things started falling into place for us. We had quite a bit of discussion. One thing I hope we are starting to clear up is projects that have been on the books for quite awhile. I think we are cleaning up. Where something has been out there on the horizon for 10-20 years, and I think as we go through the next couple of years scrutinizing the projects and paring down projects that maybe were priorities 20 years ago but are not today. I think one of the concerns Federal Highways has had is making sure we don’t have things here and we don’t lead people on with projects that may never get done. We are looking at that. That has been loud and clear to this board and there has been a lot of work done. I appreciate all the work the staff has done. I don’t know how you keep track of everything on that computer disk but we appreciate it and we appreciate everybody’s work in coming together for the Red Book and getting it together.

Commissioner Howlett stated he wanted to echo those feelings toward the staff and the hard work they’ve put into this recognizing the enormous challenges that are in front of us. There certainly isn’t enough money to do all the projects that need to be done. There were a couple of times in the course of the week that were a little bit testy in the sense of arriving at a decision on projects that at one point were a priority and now they are not a priority as an example. My continued emphasis serving on this Commission is that the traveling public in the State of Montana is provided the very best and safest roads irrespective of where those roads may be. There are a lot of things that need to be taken into consideration obviously – population growth and the demand that is placed on the services we have. So I think this Board has exhibited extraordinary compassion for each other in the sense of being able to share those resources across the state and I commend this Board for that and I move forward for adoption.

Commissioner Kottel stated she also ready to move publicly for adoption. She asked if there was enough in reserve for unexpected emergencies. I haven’t seen the culvert report to see if it looks like in the next few years we are going to have some significant culvert failure. Have we planned for that? Do we have enough set aside for unexpected events? Director Lynch said yes and no. The yes part is that the problem we are having with one particular design culvert on the interstate system, we used interstate capacity money to deal with the replacement or the repair of those culverts. We also have some culvert problems particularly in District Four but also in other areas that are not on the interstate system and I believe we put in a couple of million dollars per year to start addressing those. The bigger answer to your question is whether we have the contingency in here to deal with emergencies and the answer to that is no. We have what we have. If an emergency arises, we deal with it and then come back to the Commission and revise our program to the extent we have to. With the Beartooth Highway we were able to work with that so that it did not impact our normal program very much, and we have already received 100% of the ER funding for the Beartooth Highway. So Montana has been made whole on that in a rapid time frame.

Commissioner Griffith stated that the things in his district that really needed to be addressed were addressed. Some were outside our normal funding options and for that I’m appreciative. There are very few high priority projects we missed or that we couldn’t get to and I was proud, not only of the department and their staff, but also the district administrator because what I shared for priorities he listened and took that into consideration. So I appreciate that. It makes our working relationship a lot better. Thank you everybody that helped out with that.

Director Lynch said one thing I want to impress upon the Commission is that we’ve been able to demonstrate to the Commissioners and the Department of Transportation over the

last year that this is a plan and this is what we are moving forward to. Projects move in and projects move out for various reasons and none of those projects would move in or move out without consultation with the Highway Commission. You've been very good over the last year and I think we've got a good program and a good process in place to serve the construction needs in the State of Montana. This is going to be the plan and just because we have something on the 2011 horizon doesn't necessarily mean it will be done in 2011; it could be later depending on what transpires through the planning process and what projects basically come back to the planning process too. I feel we have a good plan here.

Commissioner Espy stated that she appreciated the insight into how difficult it was to make some of the decisions and how difficult it is going to be to go back to our districts and tell them the changes we had to make. It is up to us to explain the situation the Department has been faced with over the last two years, and what inflation can do to us and how it can destroy us if we aren't very careful. I think we've done a tremendous amount of work and I appreciate all the work this department has done and both Kevin and Sandy for explaining so much in detail to make it easier for us to understand. We are determined to follow through on what we've said we would do, that is very important. I appreciate the staff, thank you.

Commissioner Griffith moved to adopt the TCP as presented, Commissioner Espy seconded the motion. All five Commissioners voted aye.

The motion passed unanimously.

Commissioner Howlett asked how many projects were moved into the plan. Director Lynch said he would let him know. He said that with the increase in inflation, we probably didn't move in a lot of projects. The only thing we would move in would be earmarked projects because they are designated projects. That would be the only thing we might add. Deputy Director Currie said the only projects he moved in were preservation projects. Those categories were already in the sheets. I don't remember moving any new reconstruction projects in. Chairman Kennedy said that as you go back to your districts, people are going to wonder where projects are. We had to move projects out a way. I think we've been very careful as we looked at each project because there are projects that are very sensitive especially with high travel, safety and things like that. We've been able to juggle and get those projects in. As Mick Johnson said yesterday, the one project the folks in Great Falls asked for was a turn lane over by the Malting Plant and that was able to be done with the safety project up there in the district. The Malting turn lane has been completed and the striping is done as the Commission requested in March. It was totally state funded with cooperation between the county, the city, and MDT. So we've stretched things out but if we are able to narrow the scope on some of the projects, I think we will be able to move some up a little bit. So this Red Book isn't set in stone; it is going to be a "living" document.

Commissioner Howlett said that in preparation for next year, I think we all found as we start looking out to 2011 and how much money is set aside for pavement maintenance, I'm beginning to understand how that happens, it is not a computer it is a real person picking what those projects are at pavement maintenance. It would be helpful if we knew those projects were scheduled. There was an area in one of the budgets where we added \$13 million in pavement maintenance and nothing in other projects. That would be ok if at least we were planning for other pavement maintenance projects that a name. It is just hard to explain that you don't have any money to spend but yet there is \$13 million at the bottom. Deputy Director Currie stated that if they looked at the sheets, the outer years had plugs in them. The pavement management system, which is part of our asset management system, determines what the plug values should be based on the condition of the pavement in that particular district, but the actual selection of the projects is done on the ground by the engineer. So when you look at a plug that may be out four years, there won't be projects identified for that yet. Those are usually picked about two years ahead of time. If that \$13 million happened to be in 2011, that was generated by the actual condition data as reflected in the pavement management system, but it doesn't identify projects. We don't have a black box that picks projects for us. It picks levels of funding and categories that we need to address. Commission Howlett said that the point is we are so good at planning, we ought to be able to pre-plan pavement maintenance better than bringing in a list and voting on it at the next meeting. In other words, if it is two years somehow we should be able to put that

in the next Red Book. Deputy Director Currie said he believed they were. If you remember one of the first things we did when we went to every system is to ask what pavement preservation projects they wanted to move in. In almost all cases they had projects that were already in the Red Book that were setting out beyond 2011. Commissioner Howlett said there wasn't a name on it; it only said pavement maintenance. If you go to District Three in the handout it shows preventative maintenance for two million, two million, six million, and four million. Deputy Director Currie said if you look at 2007 there is no plug there; 2007 is Brady North and South and that is the pavement preservation job for 2007. Commissioner Howlett said if we have a project two years out, we ought to be able to get 2008 and 2009 as a project name rather than a plug number. Loran Frazier said that the pavement preservation jobs do not take a lot of design time to get together. We do a pavement conditions run each year that gives us the list of potential candidates. We go out in September of each year. We will have names for those in February of this year but in October we do not have names for following year. We have this years that we put in the plan but 2008's are being reviewed as we speak. Commissioner Howlett said obviously whether it is a computer or a person generating six million dollars, they are doing it on a specific estimate of the condition of something – it is not a condition of the nebulous object, it is a condition of a road. At some point I just think it is going to get harder and harder for this Commission to explain big numbers at the bottom. You can see there is not a single project in there in 2009, 2010, and 2011 other than pavement maintenance. It is hard to tell my constituents that we don't have any money for the pedestrian tunnel or other projects when we can't identify what we are spending the money on.

Commissioner Espy stated that the pedestrian tunnel is going to be moved back in when we get a ready date. Deputy Director Currie said that was part of the whole problem, the pavement preservation projects can't move in until we have a ready date and you don't have a ready date until you have some engineering on it because the window is so short for getting them ready, we don't get the ready dates until later on. The computer doesn't pick ... it is not looking at specific areas of the road and saying it is going to be six million dollars because we need to work on this specific area of the road. The computer is looking at the system performance as a whole and the condition date as a whole and saying we are going to need this level of investment in order to maintain the condition of that system. It is not in any way going to be reflective of a given section of highway; that is up to the engineer when he actually goes to nominate a project. Commissioner Kennedy said that you may have a project that would be generated because every seven years you chip seal that may not have to be worked on that year. You may have a project that needs to move up because we anticipated that in six of seven years it may need to be worked on, but actually it had such rough wear and tear you had to move it up to four years.

Deputy Director Currie stated that when we were going through this, we talked a lot about whether we ought to skip a year in terms of preventative maintenance and the question I kept asking over and over again is what happens to our window. There is a specific window of time that you can apply a treatment and if you miss that window then your treatment goes up to the next more expensive level and in order to get the best bang for the buck, you've got to hit that window. Sometimes you have a two or three year window or maybe even longer, but if you miss that window it becomes very expensive.

Sandy Straehl stated that Chairman Kennedy explained it very well. The computer management system for pavement takes a look at the history of the life of the pavement – when they were built, what standard they were built to, the traffic on it, and the expected life span of that last treatment. It comes up with a cross-estimate based on the number of miles that are going into that window that Jim Currie just spoke on, where if you don't do something it is going to cost you five times as much to treat them if you miss that window. It is a dollar estimate based on the number of miles on the system in each district that need to be treated in that time span. But which project is it? It has to be looked at. You might have a real bad water area where it is a lot wetter or you might have an area where you are getting a lot more traffic or heavy trucks, or you might go through a period where you have a real bad winter and you loose a lot of chips because of freeze-thaw. There might be a whole bunch of different things that go on and actually selecting which project it is, there are a lot of other environmental factors that come into play on which of those projects have to go first. There are more needs out there than there is money for any of these things; but if you miss that window to do X-number of miles of road that is at a certain condition level at a certain time frame then two years out it is going to cost you three times as much or five times as much. So the bang for the buck thing is important. If we let the system get past a

certain level of condition, then there won't be enough money to bring it back up to the standard.

Commissioner Howlett said you are missing the point – if it is based on a model and every six years it gets a seal and cover, somebody knows that. Sandy Straehl said we can give you a list of potential candidates. Commissioner Howlett stated that the point is that I find it harder and harder to think that for three years there are no projects available because they are in that period of time. Jeff had the same problem I had when he saw the \$13 million and trying to sneak a project back in that we all agreed to push out. I just think the sooner we can get a name on a project, the better it is for all of us. If the maximum is a year in advance, it will have to be that. I think we can do a little bit better than that; maybe two years in advance we ought to have a pavement maintenance idea. I just think it is prudent and I think it gives this Commission more credibility with its constituents.

Loran Frazier said that each year we go out and assess pavement. We have people go out and do pavement ratings. Commissioner Howlett said that he was not debating the point. I understand what it takes to do that. I do it at the airport. We have pavement conditions and we do them every five years. I know that part of the process. I'm just saying for the budgeting part we can do better. Chairman Kennedy said maybe what you are looking for is that as we put the pavement preservation on the list every year, we could also give a list of tentative possibilities for the following year. Commissioner Howlett said that would be acceptable. Chairman Kennedy said it wouldn't be on the Red Book but it would be an addendum or attachment that would give each Commissioner an opportunity to know what your possible preservation projects would be coming up the following year. I think you have that list already generated. Loran Frazier said that we do have a tentative list but when you start looking at pavement preservation treatments for two years or longer, your crystal ball starts getting pretty fuzzy on what those are so we are reluctant to name them or put them in the program until we are sure of the treatment for that spot in the road. We can give you a list but you have to understand it is farther out than two years, some of those may change a bit. Commissioner Howlett said he understood that. Director Lynch stated that Mr. Jensen just informed him that was the intent this time but they just didn't quite make the window to get them in there but that is something we are going to try and do. We will look at getting two years in there.

Commissioner Howlett stated that we have to be a little bit cautious when we start publishing lists because that generates some sense of possibility. We just need to be mindful that if we identify that, people begin to have an expectation of that but we may have an emergency that changes things.

Sandy Straehl stated that the Commissioners approved a list of those pavement preservation projects at last Commission Meeting. So that list is there but it missed the window to get it in.

Agenda Item 2: Approval of Minutes of September 14, 2006 Regular Meeting, October 2, 2006 Conference Call, October 5, 2006 Conference Call

Chairman Kennedy asked if there were any additions, deletions, or changes to the Commission Meeting Minutes for September 14, 2006, October 2, 2006, and October 5, 2006..

Commissioner Griffith moved to approve the minutes as recorded. Commissioner Howlett seconded the motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 3: Enhancement Program on MDT Right-Of-Way

Sandra Straehl presented the following Enhancement Program to the Commission:

Background

The Commission approves Community Transportation Enhancement Program (CTEP) projects that are located on or adjacent to state designated streets and roads. The following CTEP projects are funded with the enhancement set-aside of the Surface Transportation Program that is allocated by population to Montana's local and tribal governments. The communities select projects for funding with their allocations and provide required non-federal match. The program is based on an agreement between MDT and Montana local and tribal governments. The projects proposed for addition to the program are shown below.

Sidewalks & ADA Ramps – Belt – This enhancement project will design and construct approximately 4,000 square feet of new pedestrian facilities consisting of a combination of 10' and 5' concrete sidewalks and 7 ADA ramps. The project is located along Castner Street (Secondary Highway 331) in the City of Belt. The project will begin at reference point 1.025 and end at reference point 1.460. Portions of the existing sidewalk are damaged and will be replaced. In addition, updated ADA ramps will be inserted at cross walk locations and sidewalk termination points. This project will provide a safe walkway along Secondary Highway - 331 by replacing the existing deteriorated sidewalks and providing properly designed ADA ramps.

The estimated total costs are \$66,700 consisting of \$5,800 for preliminary engineering, \$6,500 for construction engineering and \$54,400 for construction. Cascade County's CTEP allocation and local match will be the funding sources for this project.

Landscaping-High Plains Heritage Center- Great Falls - This enhancement project contains both pedestrian and landscaping features. It will design and implement the removal of the sidewalk on the High Plains Heritage Center's street frontage along 2nd Street South, Great Falls, (Urban - 5208) and replace it with sod and trees. The project begins at reference point 1.178 and ends at reference point 1.197. The project will also construct approximately 150' of new sidewalk along the center's Park Drive street frontage, including the installation of a sprinkler system and historic lighting.

The High Plains Heritage Center, located at 422 2nd Street South in Great Falls, is owned and operated by the Cascade County Historical Society. The Center is located in the historic area of Great Falls known as Machinery Row and attracts a high volume of vehicular and pedestrian traffic. This project is a continuation of a "greenway" that is being created incrementally along 2nd Street South (U-5208), which is a heavily traveled access road into historic downtown Great Falls. The sidewalk, historic streetlamps and the planting of boulevard trees will improve and enhance this area which is widely used in accessing the Missouri River waterfront.

The estimated total costs of the project are \$96,040 consisting of \$4,175 for preliminary engineering, \$8,351 for construction engineering and \$83,514 for construction.

Summary

Two on-system enhancement projects are being proposed for commission approval using Cascade County's CTEP allocation. The Belt sidewalk and ramps project is at an estimated project cost of \$66,700. The project is on Castner Street (Secondary Highway-331) and will be developed in accordance with all federal and state requirements.

The landscaping and sidewalk project adjacent to the High Plains Heritage Center in Great Falls is estimated at a total project cost of \$96,040. The project is on 2nd Street South (U-5208) in Great Falls and will be developed in accordance with all federal and state requirements.

Including these two projects, Cascade County will have obligated \$1,611,666 of the \$1,809,657 made available through the CTEP program.

Staff recommendations

Staff recommends that the commission approve the addition of these projects to the program.

Chairman Kennedy stated that he received a call from the Commissioners and they are trying to put together their Heritage Trail and connect it from the river to the Heritage Center. They were asking for any unused CTEP dollars that we had in the State. Sandy Straehl said if you talk to any other local government. This is using Enhancement allocations from Cascade County. They could also ask the City of Great Falls to possibly allocate some of its CTEP allocations or if there is a regional interest in this Center, there might be other counties in the area that would want to help with something like that. So they could certainly contact some other local government that receives an enhancement allocation to dedicate from their allocations to the project. Sandy indicated she would let them know how the program works.

Chairman Kennedy stated the Commission had in front of it Item No. 3 – the enhancement program on MDT right-of-way for the Belt sidewalks and ADA ramps and the Great Falls High Plains Heritage Center landscaping and sidewalks, do I have a motion for approval.

Commissioner Kottel moved to accept staff recommendations to approve the Enhancement Program in MDT Right-of-Way. Commissioner Griffith seconded the motion. All five commissioners voted aye.

The motion passed unanimous.

Agenda Item 4: 2008 Urban Pavement Preservation Projects

Sandra Straehl presented the 2008 Urban Pavement Preservation Projects to the Commission.

Earmark

Missoula County and Anaconda-Deer Lodge County have received earmark funding that was requested through Montana's Congressional Delegation in the SAFETEA-LU legislation. The 2005 Federal Transportation Bill contained \$5 million in a Section 1934 Transportation Improvement Project for "the development and construction of transportation enhancements, including bicycle/pedestrian trails, landscaping, footbridges, parks, and river access on and in the vicinity of the Milltown Dam site in Missoula County and Anaconda-Deer Lodge County."

Missoula County and Anaconda-Deer Lodge County have entered into a "memorandum of agreement" (attached) which designates the \$5 million Milltown Dam earmark to be "split" equally between the two counties. The agreement was executed by Missoula County and Anaconda-Deer Lodge County on March 28, 2006.

CTEP Administration and Project Development

MDT will administer the earmark funding through the Community Transportation Enhancement Program (CTEP). The Commission approves CTEP projects that are located on or adjacent to state designated streets and roads.

At this time, Missoula County is ready to proceed with the design and construction of a new three span Bonner pedestrian bridge approximately 417' in length and approximately 12.6 miles of bike/pedestrian trails. This project will use \$1,180,000 of the federal earmark consisting of \$117,770 for preliminary engineering, \$94,217 for construction engineering and \$968,013 for construction. These funds will be matched by Missoula County at the rate of 87% federal and 13% non-federal. MDT will administer the project but will not provide matching funds.

This project will include both on-system and off-system areas as designated below and on the attached map:

On-System:

The following pedestrian trails and bridge have been identified for construction and are considered on system:

- MT Highway 200 (N-24) to Sha-Ron Access – Trail along MT Highway 200 (N-24) from West Riverside to the Sha-Ron River Access Site near East Missoula. (1.7 miles)
- Bonner Pedestrian Bridge - Replaces bridge adjacent to MT Highway 200 (N-24) crossing the Black Foot River.
- Milltown/W Riverside/Juniper Drive Segment - Trail from the east end of the Bonner Pedestrian Bridge, extending along the north side of MT Highway 200 (N-24) to the edge of the Bonner Community. Trail from the west end of the pedestrian bridge through West Riverside, along MT Highway 200 (N-24) and Tamarack (off-system) and Juniper Drive (off-system) ending near Milltown Dam. (3.5 mile)
- Bonner Turah Exchange Loop – Trails along MT Highway 200 (N-24), Secondary Highway 210 (S-210) and Urban Route 8133 (formerly S-210). (5.9 miles)
- Kim Williams Extension – New segment of trail connecting the current end of the Kim Williams Trail in Hellgate Canyon to trail constructed around the Bandmann Flats by the Canyon River Golf Course. Connection requires an underpass under the rail line and Interstate 90 (I-90) bridges at the west end of Bandmann Flats. On the East end of Bandmann Flats underpasses will also be constructed under I-90 to connect the trail to the golf course development. (1.6 miles)

Off-System: (provided for informational purposes)

The majority of the trail mileage, approximately 10 miles, will be located off of the designated state/federal highway system in the Milltown Reservoir area:

- Bluff Overlook Trail
- Bandmann Flats Trail
- Restored Confluence Trail
- Future Trail & River Access Projects
- Future Bridge Project

Summary

Congressional earmarked funds will be used to “develop and construct transportation enhancements including bicycle/pedestrian trails, landscaping, footbridges, parks, and river access on and in the vicinity of the Milltown Dam site in Missoula County and Anaconda-Deer Lodge County.”

Missoula County is ready to proceed with the design and construction of a new three span Bonner pedestrian bridge approximately 417’ in length and approximately 12.6 miles of bike/pedestrian trails. The project consists of both on-system and off-system areas. This project will be managed by the CTEP program and will use approximately \$1,180,000 of the available earmark. These funds will be matched by Missoula County.

Staff recommendations

MDT staff recommends the commission approve the addition of this project to the program.

Chairman Kennedy asked when all of the CTEP projects come before the Commission, the local governments sign off on the maintenance, do they also sign off the maintenance of weed control? Sandy stated she felt they sign off on all the maintenance responsibilities. She said she has not seen the exact language of the maintenance agreements but was certain that all of the maintenance would be incorporated in them because we do not intend to meet this responsibility. Chairman Kennedy said the trail system that was built in Billings, Yellowstone County, the calls keep coming in about who is going to maintain the weeds and asking if they need to go for more money to handle weeds and weed abatement along the trails. There was some question on how it all worked. Sandy Straehl said she would call the CTEP Manager during the break and get an answer. Commissioner Howlett said Anaconda has a Greenway Authority manages the weeds and the growth and tree replacement. Whether the Greenway Authority has jurisdiction over all the areas they are going to apply for I don’t know, but they do have a structure set up to do that. Director Lynch stated that the Department of Transportation has a weed program where they actually pay the counties have their own weed services, the department actually gives them resources to kill the weeds within the state guidelines. MDT’s Maintenance Division also has an operation that kills weeds. When the maintenance of the roadway is taken over by a municipality that means they are responsible for the weeds within the right-of-way. Chairman Kennedy said they had been getting calls to their weed department to go out and cut weeds or spray weeds on these

trails, which different groups have signed off maintenance on. So I'm looking to make sure that we know who the responsible party is. Commissioner Howlett stated there were a lot of conflicts in transportation in Missoula but they were pretty forward thinking when it comes to bike trails and pedestrians and Missoula is a very bicycle/pedestrian friendly community. This added extension of the Heritage Trail and up the Blackfoot will only enhance that. So I compliment the Missoula planning staff for coming forward with this and looking to spend this earmark to enhance the bicycle and pedestrian traffic.

Commissioner Howlett moved to accept staff recommendations to approve the Earmark Enhancement Project – On & Off System. Commissioner Griffith seconded the Motion. All five commissioners voted aye.

The motion passed unanimous.

Agenda Item 5: Railroad Crossings – Signal Installations & Circuitry Upgrade

Sandra Straehl addressed the Commission. She explained the agenda item was to add 25 projects into the Rail Highway Safety Program for the installation of new signals and circuitry upgrades. Those would be over programmed in a lot of our construction categories but there are gaps in some of our program categories and this is one of them and it does need to have the project added into it.

These projects were developed cooperatively with the railroad and they actually perform the installation. These funds are federal aid funds and a state match is used to acquire materials. The actual locations are identified through a prioritization process that includes both the use of the railroad and the traffic on the rail line itself plus other considerations. This project would in fact be \$4,175,000 added into the program and it includes rail crossings on BNSF lines and Montana Rail Link lines.

The staff recommends the Commission approve the addition of these projects to the program. They are safety enhancements and they are necessary.

Commissioner Griffith moved to accept the staff recommendations to approve the Railroad Crossings Signal Installation and Circuitry Upgrade. Commissioner Espy seconded the motion. All five commissioners voted aye.

The motion passed unanimous.

Agenda Item 6: 2008 Pavement Preservation Projects – State Funded.

Sandra Straehl addressed the Commission saying that this agenda item is to add nine pavement preservation projects into the program.

Background

This item includes a list of nine pavement preservation projects that need to advance to preliminary engineering (PE). The total estimated cost of PE for these projects is **\$310,450**. Staff requests commission approval to include them in the State Funded Construction (SFC) program at this time to ensure delivery in 2008.

The SFC program is funded through the State Special Revenue account. The projects are consistent with the preservation element of the Performance Programming (P3) analysis. All of the projects have been nominated by the districts and field reviewed for appropriateness of the scope of work. In addition, MDT has addressed public involvement by placing the list of the proposed projects on the MDT Internet website.

I have attached a list of the nine projects located on state maintained off-system routes, National Highway routes, Montana Primary routes, and Montana Secondary routes, totaling \$4,356,500 in preliminary engineering, construction engineering and construction.

Summary

Staff requests commission approval to add nine pavement preservation projects into the State Funded Construction Program for delivery in 2008. The projects are consistent with the 2006 Performance Programming analysis approved by the commission. Approximately \$310,450 will be needed for preliminary engineering for a total estimated construction cost of \$4,356,500. These projects occur in all districts on on-system and off-system routes.

Staff recommendations

Staff recommends the commission approve the addition of these projects to the program.

Commissioner Howlett asked where the projects appear in the budget. Sandra Straehl said they are not in the Federal Aid Program. These are completely state funded projects. We have a local effort return in the federal aid program where we take advantage of a very beneficial federal match rate and we have to have a local effort that can get us to that very positive match rate and this is a demonstration of our local effort to achieve that.

Commissioner Espy moved to accept staff recommendations to approve the 2008 Pavement Preservation Projects – State Funded for a total estimated cost of \$4,356,500. Commissioner Griffith seconded the motion. All five commissioners voted aye.

The motion passed unanimous.

Agenda Item 7: Amended Access Control Resolution*RF 139(7) 3 miles south of Hamilton South*

Loran Frazier stated that this agenda item is for a rural fire department to add an approach on Hwy 93 down in the Charlo Heights area. The staff recommends we approve and execute this amended resolution to increase to nine for this area the number of private approaches allowed for access for the rural fire department.

Commissioner Howlett asked Loran if they wanted to use the term “private”; does it have a governmental function or a municipal function? Loran stated they could amend it to allow an approach for the rural fire department. Commissioner Howlett said he felt more comfortable doing that because it is a different status or at least has a different perception. Director Lynch said that the designation of the private, commercial and so forth are primarily used in right-of-way when they are acquiring access and negotiating private uses for residential versus commercial versus farm/field versus public access. I don’t have any problem designating this as a public access but it is for a very limited public purpose and it is not to become the town hall. I don’t know that is objectionable but lots of times these more rural areas have large fire halls that become gathering places for different meeting. If that is acceptable to the Commission and to the district in terms of safety issues, I don’t have any problem with that. So the terminology is just fine – it can be a private/rural fire department or however you want to characterize it, the point will be made accordingly.

Commissioner Howlett moved to accept the staff recommendations for Amended Access Control RF 139(7) 3 mi S. of Hamilton South. Commissioner Griffith seconded the motion. All five Commissioners voted aye.

The motion passed unanimous.

Access Control Resolution NH 85-1 (6)0, 4010-006; Four Corners – North

Loran Frazier addressed the Commission. He stated this was for Four Corners - North from Jack Rabbit Lane, Montana 95 between Four Corners and Interstate 90. This has gone through a long public involvement process. We have a document that is approved as a project July 15, 2005. The staff recommends that we approve designation in this corridor as a controlled access highway.

Chairman Kennedy asked if on the controlled access, anyone asking from Jack Rabbit Lane all the way out to Belgrade would have to make a request to look at any access to the road. They would have to come back to the Board to waive any type of access onto this road? Loran stated this was the first of two steps for access control. This is the one where we designate it an access control facility and then, as this project develops, we negotiate and limit those accesses with the landowners and then we will be bringing the final plan showing the number of accesses to the Board.

Chairman Kennedy stated that the Commissioners from Gallatin County called with a concern that this area is building up. Their biggest concern and their denial of a subdivision out there was access onto the road doesn't alleviate the safety problems on the road. So if they are going with the access control on this would we be working with the Gallatin County Commissioners to make sure that any approaches on and off of this road ... looking at the ADTs and all of that, are we looking at it overall? If this subdivision comes in and then the next subdivision comes in, do we look at the cumulative effect of access on the road? I'm curious if we put the access control on, do we then limit the access and be able to back up the County Commissioners when they issue a denial or request another route, or an upgrade of the road?

Loran stated this was the first step to having the roadway being a controlled access facility and in that you designate whether you have farm/field approaches, private approaches, commercial or public road approaches, and you state where those go and how to limit the number. The question you are asking about the subdivisions and impacts and additions have a systems impact, but if we have an access control facility we have limited the number of those types of approaches and determined their locations to be a safe location.

Sandra Straehl stated there is a lot of coordination that goes on with an access control resolution in terms of accesses into our system. Requests for access, we do not unilaterally make decisions, we work with the local governments to make sure they support our design plans. The intent is to address the safety issues and make sure that capacity isn't too great because of the private accesses. In order to protect that corridor we are on stronger ground with an access control resolution, there is just no question about it. We have a lot more tools in that kit to make sure we maintain consistency for the overall corridor – not just the site but the overall corridor. So this is an important step in achieving that.

Director Lynch stated that one of the reasons for doing this at this stage is that this document will be approved and filed and basically a becomes public awareness so if you have a developer who subsequently purchases property with the idea of developing a strip mall, we need to have a public notice process in place so there is no expectation created by which they can claim some adverse activity on the part of the county. We are going to record it so that a company will be able to see if there are any constraints on the land. It has proved to be a valuable tool for the department. Once this is out there, they can work through Sandy's office for the systems impact process with the local government. It is a matter of coordinating access in an area that is developing exponentially.

Commissioner Griffith asked if this were approved could it be grandfathered into the 93 South Corridor. The meeting that was supposed to take place next Monday was to deal with 93 South Access Management. Loran Frazier stated the meeting was actually the Feasibility Study from Florence to Missoula. The Access Control Study from Lolo to Missoula is complete, so you wouldn't affect it. Commissioner Griffith asked if we were in the process of looking at access management in that entire corridor. It was stated that there were some gaps – we did Hamilton to Lolo EIS, we closed the gap between Lolo and Missoula and we now have some other gaps. Commissioner Griffith asked if this were approved it would be grandfathered to that master plan when it is done? The answer was yes.

Chairman Kennedy stated that this access control is just from Four Corners, Jack Rabbit Lane up to South of Belgrade. This is not Hamilton.

Commissioner Griffith moved to accept the staff recommendation for NH 85-1 (6)0, 4010-006; Four corners-North. Commissioner Griffith seconded the motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 8: Proposed Commission Meeting Dates

Director Lynch stated at the last Commission meeting there was some discussion of aligning our Commission meetings with bid lettings. You have a handout of the proposed Commission meeting dates and they did coincide with the bid lettings that we would have on that same Thursday. The Commission meeting would break at 10:00 then go to bid letting, and come back finish the Commission meeting. Chairman Kennedy said that the Montana Association of Counties meeting is usually in February. Director Lynch said they could review it and change it if necessary at the December Commission meeting. The only date that isn't a Thursday is October 1, 2007, which is a Monday possibly because it is the Red Book exercise. There is no bid letting in October. Chairman Kennedy said they could tentatively approve these dates and if there were any changes they could address them on the next conference call. He asked Director Lynch to go back and check the dates and let Lori know so any changes could be addressed on the Conference Call.

Commissioner Espy moved to accept the recommendations and approve the Proposed Commission Meeting dates and 2007 Letting Dates. Commissioner Griffith seconded the motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 9: Proposed Bid Letting List

Loran Frazier stated they had made quite a few adjustments to the letting list during the last week and he believed the Commission approved the December letting list at the last Commission meeting. Director Lynch stated there were no changes and now that the Red Book process was approved we can go back and look at the letting lists and come back in December and get the approval for January and February.

Agenda Item 10: Certificate of Completion

Loran Frazier stated that he had certificates for August 2006 with the final number \$22,149,043. The staff would recommend that we approve the certificates of completion for the month of July.

Chairman Espy moved to accept the Certificates of Completion for August 2006. Commissioner Griffith seconded the motion. All five Commissioners voted aye.

The motion passed unanimous.

Agenda Item 11: Change Orders

Loran Frazier stated they had change orders for the month of August totally \$1,383,817.11. The staff would recommend that we approve that.

Commissioner Kottel moved to accept staff recommendations to approve the project change orders as presented. Commissioner Griffith seconded the motion. All five Commissioners voted aye.

Motion passed unanimous.

Agenda Item 12: Local Government Officials.**Prevailing Wage for the State of Montana**

Representative Keenan. I know this isn't my district but neither is Anaconda but in Anaconda I talked to you about the prevailing wage quotation and we had started on that. By this meeting, we've done it in record time. Prevailing wage quotation for the State of Montana is complete. It was an effort for both Union and Non-Union contractors in the State of Montana. There were 40 prime contractors who did work last year for the State and we needed 21 signatures to get over 50% and half the money which would have been about \$144,000,000. We had over \$2 million and we had 24 signatures for both Union and Non-Union contractors. It was a significant increase in the prevailing wage and that will start with bid lettings next month. I'd like to thank Jim Phillips of the Department as part of the record. He worked with us to get his part of the petition done and Federal Highways completed their work on it in about two weeks. We are the only state in the union that I know of that is doing it this way and it is going to benefit all the workers in the State of Montana, not only in House District 75, but the rest of the State also. It is a significant increase. The reason that everybody is working so hard to increase those wages is because we are losing our workers to the State of Washington, the State of Idaho, and those competitive areas. This is certainly going to be a big help to keep good workers in Montana.

Director Lynch said the important thing that Representative Keenan talked about is that we didn't end up coming up with a prevailing wage program based on the minimum amount of information from the construction industry, we had way more than that. So we've got some great representation on this last go around and that is encouraging to see.

Senator Baucus Staff

Cassena Davis, Senator Baucus' office, said she would like to congratulate the Commission and the staff for all the hard work they obviously had done this week and for their continued dedication. She stated the Senior Policy Advisor would be stationed in Helena and they would be updating him on all the issues.

Senator Burns Staff

Charlotte Strom from Senator Burns' office said this was not an area she usually covered but because of the election Denise Smith wasn't able to come down. You've made me feel very welcome and if there anything I can take back to the Senator, I would be happy to do so. Chairman Kennedy thanked each of them for coming and asked her to relay back to each of the Senators the Commission's appreciation for them coming to the meeting.

Kalispell Project - Church Drive Interchange

Brenda Profitt addressed the Commission. I know you have seen the map for the Kalispell area before but more information has been added because of happenings around the Kalispell area. She introduced Ron Profit and Howard Man. I appreciate you letting us talk to you today.

You will notice on the handout we obviously have many safety issues with the four-lane expansion from Kalispell to Whitefish. There is also a Daily Interlake article on the reverse side that talks about proposed subdivisions in the Kalispell area that are adding quite a few more homes to the area. We are here to update you on these developments and talk about the Church Drive interchange between Kalispell and Whitefish. As you can see from the map and the Daily Interlake article there are many projects in the planning process north of Kalispell. Glacier Meadows is 85 acres of former state land just south of Junior Glacier High School. Plans for that site include 411 single family homes, 276 apartments units, and 146 condominium units. Also on the map the Brownstone Group has 170 acres which is just north of the Big Mountain Golf Club. They intend to develop a subdivision of town homes, apartments, and single family homes. We are not exactly sure of the scope of that but it is 170 acres so it could be quite dense. Risser Krigy owns 280 acres across the highway from the Majestic Valley Arena on U.S. 93. He plans commercial and residential development of this property. Silver Brook Estates on the southwest corner of Hwy 93 north and Church Drive, is 325 acres, that is our project and we brought a subdivision map that you can look at. We have submitted a preliminary plat and PUD and requested annexation into Kalispell. Our development proposes 466 single family homes, 120 town

homes sites, and a commercial center along with town and half acres set aside for a future fire station. We hope to start infrastructure in the spring.

The four-lane expansion of approximately 3.4 miles of highway north from Church Drive to Whitefish is well underway. The southern leg of the four-lane expansion from Church Drive south to the Big Mountain Golf Club is only about one mile. This portion of the highway is totally flat and will not require the expensive and major construction of removing hills and filling in valleys as is required in the north Hwy 93 expansion to Whitefish. The southern section seems it would be much cheaper to complete. In addition the interchange at Church Drive is what makes the entire four-lane expansion work. The major reason to complete the interchange and the southern section is for traffic safety.

The Majestic Valley Arena has been open for five years and has had over 1,000,000 visitors. Their capacity ranges from 2,800 to 7,000 persons per event, and they typically have weekly events. Without the interchange at Church Drive, cars and trucks hauling horse trailers will have to cross four lanes of traffic plus a divider to drive north. Now with the new Junior Glacier High School being on that north side of town, Stillwater Road from the north will have much more traffic. Church Drive will be used a lot more for people to get around. So you still have the issue of getting off Church onto Hwy 93 going north if there are four lanes; there will be four lanes of traffic plus a divider. All the traffic generated by new residential subdivisions will also use Church Drive to go north again having four lanes of traffic to cross. By not completing the southern leg of the four-lane expansion and the interchange at Church Drive along with the north four-lane expansion, it is really a death trap up there. It is going to be worse because you will have four lanes of traffic to cross over. Those are our concerns and I appreciate you listening to those today.

Howard Mann addressed the Commission. I'm one of the principles at Silver Brook. I would like to thank you all for taking the time to hear our concerns. I'll try and be brief. I would just like to reiterate that the southern part of this expansion to meet the existing four-lane is only one mile. The northern leg is 3.4 miles and is already well underway. The southern part is almost totally flat and the northern leg has cuts and fills up to 30 feet not to mention it is over three times as long.

Then I would like to talk a little bit about the interchange at Church. That is really the component that makes the divided highway work. They would like to direct all the traffic from all the developments in there to Church because it has the excel and decel lanes, and has an underpass to head north. Majestic Arena is having an event almost every week now. You have the speedway there, you have gravel trucks, new gravel pits that were just approved on Stillwater that come out on Hwy 93, and you have existing and new residential projects going up in the immediate area. You also have the new high school and all that traffic will be entering 93 off Church. Without the excel lanes to head south and an underpass and excel lane to head north, we have a recipe for multiple fatalities in very short period of time crossing 65 mph traffic and a divided highway to head north without that underpass and excel lanes. So we are just here to try to encourage you to make this a priority project and allocate the funds necessary for both the Junior interchange and the south leg expansion so construction can start immediately. Thank you very much for your time.

Chairman Kennedy asked if he was talking about where the transition lanes go from four-lane to two-lane – are you looking for one mile up to Church Drive. Howard Mann answered yes, it is one mile; roughly the Golf Course up to Church Drive is one mile. I guess originally this was all supposed to be done in one job but because we did not have easements from four houses at the beginning, they broke it into two separate projects. Chairman Kennedy said it looked liked there were three different proposed subdivisions in the area off Church Drive. Howard Mann said there were three major subdivisions there. Chairman Kennedy asked if any of the other subdivisions have come forward with some dollars up front to try and progress this project forward. Howard Mann stated that all of the right-of-way has already been purchased along Hwy 93.

Director Lynch stated that this was a project that has already been approved in prior Red Book processes and this one was approved in the last Red Book process. The construction schedule is still the same; it didn't change any. This is a section before four-lane of Hwy 93 and the other four-lane of Hwy 93 between Whitefish and Kalispell. We had some right-of-way issues on a portion of this project and the decision was made by the department and the Commission a year ago rather than waiting until we had all the right-of-way issues resolved,

which meant we would not be doing any work on this project until maybe next year, we chose to split the project. We split the project in the area from Church Drive north where we already had right of way purchased. That contract went out for bid and the work is already started on that project. The next phase of the contract is scheduled in the Red Book process for the winter of 2008 to bid. So when one is finished the other one will start. There is also an issue with needing the fill and using the fill for the interchange, which was also why we split the project. I don't know if you recall but we had this discussion before as to why the project was built. It is still on the same schedule as when you approved it and it has not been moved up. The first section will be built when that one is finished then the other one will be bid. I believe we have all the right-of-way now so we should be able to proceed on the same schedule with that.

Commissioner Kottell said this is something we've talked about before, and for the record, when I see large developers come in and create congestion on the road for a profit for themselves, I would like us not to have to purchase the right-of-way, I would like to see them donated. If they are not donated, I would like to see the developers pony up some matching dollars in terms of being able to do this. It is a community effort, in my mind, not just the state and certainly as the department there is such need across the state where we see high areas of congestion being created and sometimes it seems to me without much planning at all within a community. Then that crises comes to us and we see other areas that have waited 56 years – as you know there is an area in my district in which a project was promised 56 years ago that is desperately needed but crises in other parts of the state come and not because a highway collapsed or a culvert failed but crises because of lack of planned growth. I don't want to see any fatalities but I would like us to see us make it known to developers that I don't want to be buying right-of-way, I want it contributed.

Howard Mann stated that he tried to do that. They originally had this planned on the Majestic property. Then Majestic said they didn't want to sell them the property. They then came to me and asked if I would consider putting this interchange on my property. I said I would give them the whole 93 right-of-way and the two acres for the interchange and they said they could not do that; they have to pay fair market value. Now I find out this is not the case. I tried to do that. I offered it to them many times and they said they could not do that. I would be happy to either give that money back or donate money towards this interchange – whatever it takes because I think this is valuable for this interchange to go in there because that is what makes the whole four lane work.

Director Lynch stated that the Manns and the Profitts have been very good partners in this highway project and he is correct. We've gotten that miscommunication straightened up. They did make an offer to donate the property and they've been very cooperative with the Department of Transportation facilitating. I think it is important for us all to understand that facilitating the completion of Hwy 93 north, which was really decided in an EIS back in 1992 and this was actually a project that went through the EIS process, identified the project design long before the development. So their development is basically following our design. In retrospect, if you think about it, their development is really using what the EIS established as an approach rather than us taking it somewhere else and creating another approach. In this particular case these developers have followed the plan the Highway Department has made.

Commissioner Kottell said the last time they were here I think I acknowledged their civic mindedness not just as developers but as members of the community. I was a little surprised not to see elected officials from the community here rather than the citizens. So I thank you for that participation. Howard Mann said if it would help in speeding up the southern portion and the interchange I will be happy to donate that money back for the Hwy 93 right-of-way and the cloverleaf. Commissioner Kottell asked how much it was. Howard Mann said it was around \$19,000 per acre – about \$300,000 basically. I would be happy to donate that money back toward the construction of the interchange if it will make it happen. Director Lynch said as it is scheduled right now it was going to move as quickly as it can because of the engineering. We've got the funding in place to finish this other half that you approved in the Red Book process. Howard Mann told Director Lynch if he would stay in touch with him he would be happy to do what he said he would do.

Our Lady of the Rockies

Commissioner Griffith briefed the Commission about why the contingency was appearing before the Commission. About a year or so back going through my first Red Book process, I didn't see any money set aside for Our Lady of the Rockies but I knew you had a commitment. So I started asking whether we had money set aside for being able to do that. There are no special pots of money waiting for Our Lady of the Rockies. If you do get a project, then we have to go through the budget process to get that done but I wanted to get the Commission up to speed about previous commitments so I talked with Bob and asked if he could do a presentation to the Commission.

Bob _____ addressed the Commission. I want to thank you for inviting us here and also thank you for helping with the road coming over from Butte – the highway department was out there and kept the road open; you are doing a good job. I'm President of Our Lady of the Rockies. Joe Quilicy is Vice President and he was on the Legislature when we first talked about in March 1996 then in December of 1998 we were over here speaking with the Commission. Judge Purcell from Butte is our attorney on Our Lady of the Rockies Board who has been helping us all along. Leroy Lee is here with us and he is the person who sculpted the statue and put the statue up there. He gets the credit for actually putting the steel together and he did a great job. Mike Shurees is also with us this morning. He worked for MRI for years. He and Frank Gardner, and Steve Walsh put together all this land and gave it to the Lady of the Rockies and in turn we are going to give to the State of Montana to put in a new interchange for Butte. This all started with our plan of building a tram up to the Lady and we've acquired about 50+ acres at the base where the tram and the carousel will be. The tram will be roughly a mile long and raise about 2,000 vertical feet. It will help attract more visitors to the area.

We have three goals with this project: our first goal is to attract as many as we can off the interchange system of I-15 and I-90 corridor roughly between two and three million pass through there per year. The tram company and the study we paid the Montana University to do for us said it would attract about ten percent of that. So Butte could get between 200,000 and 300,000 more people visiting the area per year which will help the economy of Butte and southwestern Montana which is our second goal. Our third goal is after we have the tram completed we will donate back to charities the profit from the tram. So the Lady of the Rockies will become the largest contributor to charity in the State of Montana. So those are the goals and how this all started.

We have to get off the highway to get to our property. He gave a handout of the project to the Commission. The tram area of 50 acres is right here (referring to graphic) and will go at an angle. I forgot to mention the Butte carousel will be at the base of our tram, so the carousel project will be here (referring to graphic). There are hundreds of volunteers with the carousel and there are about 600 volunteers with Our Lady of the Rockies, so it is quite an accomplishment. The carousel is a horse carousel. They've hand carved all the horses in Butte and all the horses are done. The building for the carousel is at the Lady of the Rockies site ready to be put up. The problem is going up from – this is the interstate to Helena (referring to graphic) and this is I-15 and I-90. I-90 takes off to Bozeman here and I-15 takes off to Helena here. So the location is east of Butte. The road we are putting in here is an access road. We have gained all this property from MRI here plus both sides of the interstate here (referring to graphic). Mike was responsible for getting us this property. Right now this property is in the Lady of the Rockies name. So in turn, we want to deed this property for the access road over to Butte Silverbow. We were going to have some representatives from Butte Silverbow here today; they are all in favor of this access road because you can see on this graphic the interchange for the sports center which is the other interchange in Butte. There are a lot of new homes in here that are using Burlington Street that comes down through the neighborhood and then follow Continental Drive. So it puts a lot of traffic through this neighborhood. With the access road here (referring to graphic), they can follow Saddlerock Road and come on the interstate to travel up town. So it will take a lot of safety issues out of the neighborhood so Butte Silverbow is really in favor of this. We've got all of this property to put in the access road.

This goes back to the agreement we had back in 1996 and 1998 that if we put in the access road, they would come and put in the on/off ramps for the new interchange which would help the economy of uptown Butte and take the load off Harrison Avenue and Montana Street. Since then we've acquired all this land and our plan is to give this property to the county and also give this property to the state for the interchange. That is the good news.

The bad news is we've been in a lawsuit with three property owners on this blue line going up here to our property (referring to graphic). It is roughly about half mile long. This is a county road that goes up through here and it has been on the books since the 1870's. They proved that gas tax monies were used against that road and also the county has maintained it for many, many years. It has been on all the maps that we've looked at as a public road. We went through the local courts in Butte and we won there. Then it went through Judge McKittrick's District Court in Great Falls and we won there. It was appealed to the Supreme Court and they took the case in July of 2005, and in November 2005 they assigned it to five judges and that is where it sits. We were hoping we would know their decision in April but we haven't heard yet. So we are holding off until we have full right to get to our property on this public road on this side of the interstate. That is what has been holding us up. We have all the financing in place for the tram and it is going to be self-paying so rather than using grants, we are going to pay for it ourselves.

That is a quick overview of the whole project. We are real serious about this because we have acquired all this property and in turn we are going to give all the land for the access road and we would like to get the new interchange and we will turn over all the land from the Lady of the Rockies.

Commissioner Griffith said the one thing that the community did in addition to help the Lady of the Rockies, it is not just an access road it is a connection to the system. It connects people to uptown Butte. We don't have a very good connection right now. So it gets people in and out of the uptown area and it is a connection to the system. Bob _____ said that was right and that is our second goal. What is nice about it is it goes uptown and comes right up to Park Street. They've already changed Park Street from a one-way to two-way. The road will go up to Park Street and go back to Montana Street and go down Montana and connect back to the interchange. So it is a good plan for the transportation system in Butte to connect that corridor through the uptown area. Chairman Kennedy asked if this interchange was scheduled. Director Lynch said no, it isn't even planned.

Commissioner Griffith asked what took place in 1996. Joe Quilicy said they met with the Commission in December of 1998 and had a large delegation here from Butte and the surrounding areas. We had Russ Ritter here who represented Washington Corporation who owned some of the land we were looking at for the road. We really wanted to see the road get in there because it is going to be good for Butte and good for southwestern Montana and the State of Montana. Since the December 1998 meeting we've tried to get access into these 40-50 acres for the tram site but a couple of landowners have had us in court most of that time. I've talked to members of the Supreme Court and they are telling us they should be handing down a decision very soon. Well we've heard that for quite a while. It is hard to generate funds when you're up in the air and you don't know long these lawsuits are going to take. I think we will prevail on this; it is just when. Gilmore that used to be here in construction, I've talked to him over the years about generating funds for this interchange. I think it would be a benefit for the whole highway system. I guess to get into real specifics with this lawsuits hanging over our heads, we can't tell you when we are going to generate these funds, although we've talked to a lot of people and I think we can get the funds to match this. In talking to Jim Currie, over the next few years a lot of states might cut back on some of their projects and I hope Montana isn't one of them. Maybe our Congressional Delegation we'll see that it doesn't happen. We are willing to work with the Commission and with DOT to help fund these projects because it is so important, not only to Butte, but to the whole State.

Commissioner Griffith said that to a certain extent the private funds Joe is talking about are hard to commit to, but the county has committed to build the road, period. They will build the access road. The property has been acquired and they are willing to donate that in lieu of a match. Some of the funds have been committed on the land and the access road. I think Joe is referring to the overall project. Joe said that was right. We understand and after 24 years of looking at the budget for DOT, I realize you have to go by the book and by federal highway standards, but we want to get across that we want to work with you. We want to help you help us get this interchange in. Hopefully before long we will have a decision and I think that decision will be to our good. When we get the decision from the court then we would like to sit down and work out specifics with you. Jim, all the years I was in the Legislature your maintenance department was always number one. They are good people.

Chairman Kennedy asked when the Supreme Court has decided and the county has agreed to go forward with the road or the connector, what is the next step? Jim Lynch said they were asking the department to be aware that this project may be coming out and to look at what they are doing and see if there are any problems with what they are doing in that particular area and start that communication process now. I think they are just bringing it back to our attention that this may be something coming down the road that you as a Commission will have to make a decision on. If you read the minutes from 1992 they were asking the Commission for permission to build the road. That is all they were asking for at that time. Deputy Director Currie said when they came in before the location for the interchange was up the hill quite a way from where it is now. When we were on our trip over there reviewing projects, we stopped at this proposed site. We are going to have to work with Federal Highways – one is the fact that where this proposed interchange goes is pretty close to where I-15 and I-90 split. When you look at the excel and decel ramps, I don't know if there is going to be a conflict or not with the other interchange. I know when we were out on the road Federal Highways had some concerns about that. I think that is something we need to take a look at.

Jan Brown, Federal Highway Administration, said she appreciated the enthusiasm for this project and I've been involved in this from the beginning and am well aware of the interest. My primary interest is the integrity of the interstate system. I've always said that the process to get access to the interstate is a very rigorous process. To my knowledge I don't believe the analysis has been completed or, to any extent, decided where the interchange would be located. But the closer you get to the proximity of two interstates connecting you are going to have more and more difficulty. I know that when we last met, the first step you have to get through is determining that the local system will not provide the access you need to the location you want to go to. I presume you have done that work but I don't know that for a fact. So I know that with all of the years that have gone by, a lot of the work was exploring the local access and I commend you for giving it that much work because that is the first thing we want to make sure happened. I have to tell you that you still have an uphill battle here in getting access to the interstate itself because we do have to protect the interstate as a regional system.

Beyond that there is also the environmental process. I have no idea what the impacts are here but you are going to have to get some environmental process. We look at two things: first there is no access approved to the interstate at this time and second there has been no environmental work done. So those are two huge hurdles to get through before we can even talk about access to the interstate.

_____, in 1998, and this is consistent with additional interchange policy the Commission has, the staff was directed to enter into an MOU that would cover all the normal things in the development of an interchange including an environmental review for the acquisition of the land to make connecting links for request for access. The staff undertook that development of an agreement. It was never consummated with the local government or FHWA because the site location changed. If you read through the minutes, the actual action was directing staff to work on an MOU outlining all of these things. We did undertake that work, we went as far as we could, and then the location changed on the project. I think there were other issues that happened but the connecting links didn't happen when the project was identified originally as further up the hill. To be consistent with the additional interchange policy the Commission has, once issues are resolved such as the pending lawsuit, the staff would have to undertake again the development of that MOU. The initial interchange policy is quite specific that any additional interchange to the system needs to have a local sponsor and that there has to be some consideration of the cost responsibilities based on the function of the interstate interchange being proposed. So I think that is still an appropriate action once this is resolved that we undertake that. We've done that with all additional interchanges that have come on – we've undertaken that agreement to make sure we are consistent with all the federal regulations and all existing Commission policies. Chairman Kennedy asked if there was something the Commission could put together step-by-step so we are all on the same page as to what needs to take place. The reason I ask this is because we keep going back to the old minutes, but if we could put together a step-by-step phase then when the Supreme Court ruling comes down we would all know the next step and who is responsible for it so everybody is on the same page. I was there in 1998 when we had the whole contingent in the room and we talked and everybody was happy about it when we left, but things have changed in the process. I would like to see this go, but I would like to see where we need to go to actually get there. Jim

Lynch said the department had no problem with that. He said they would sit down with Loran Frazier who is very familiar with the project and put together a step process that if this were to happen these are the things you need to do. That is very easy to do.

Bob _____ stated that the reason the location changed was because we couldn't get an access road to the upper location because of the mining properties; it was inside the MRI mining property and we couldn't put in the access road. The access road was the key to getting the interchange. The original agreement had a step process and who was responsible for each step. The process is built into that agreement and it is still consistent with all the requirements for FHWA. I think it is a good template to start from. Chairman Kennedy said if you get the Supreme Court ruling the one thing Jan has mentioned is to make sure this location is going to work. There is no use doing a lot of work on things if it not going to work. If it is going to work then we will have the steps of where we need to go.

Joe Quilicy said Jan hit the nail right on the head. Once we are out from under this lawsuit, we can start moving forward. One of the things we have to do is look at an Environmental Assessment. I hope we don't have to go through a full EIS because of the cost. We are willing right now to get that Environmental Assessment going and start from the bottom up, that is how we want to do it. Bob _____ said that Sparks is on our Board and also with EPA and we are all concerned about the EPA and meeting those things so we are all on the same page with EPA. We want to do the Supreme Court first so we are not spinning our wheels. Commissioner Griffith asked if they were comfortable being able to go through an MOU without further Commission action to go ahead and start the process. Director Lynch said he felt they were prior to that. He said he was willing to visit with them and go through a check list to know what's needed before you even get to that point. There is a lot of work to do before you get to that point. Commissioner Howlett said he felt they needed to get to that and you have to know what you need to meet for environmental before you start.

Bob _____ stated they were comfortable using the interchange at the sports center until they were ready. Like Joe said, we are going to go ahead and put the access road in and get everything ready. If we don't get the interstate, it is not going to be the death of the project or the tram because we can use the other exchange at the sports center. So we are not pushing you guys into a time table. Commissioner Howlett said the problem he saw a year ago and is further exacerbated by the Red Book process we just got done with today, I asked the question how many projects we added and I can count the number on one hand on a state-wide basis over and above what we funded in previous years. It is mainly due to high construction costs last year; about a 22% increase took the ability for us to add additional projects to the system. So we're planning for 2011 monies now. We talk about environmental; there is a ready date for what the department has to go through to get environmental and the historical and cultural information. The point being is that once you are ready I think you need to get in the cue at that point.

Jan Brown suggested doing exactly that. Our procedures do provide for doing an engineering feasibility first before you get into a large expenditure or large investment in the environmental process. First we have to find out if it is feasible. We've talked a lot over the years about whether we could or couldn't do this, but we really do have to look at what is possible in that area. The other thing I would caution you about, again going on record, we've had a lot of different proposals over the years and one thing we've always said is we want full movements. That is what our interstate calls for – all movements within a new interchange. That would be the other thing we'd be looking for; not just an on and off ramp from one direction. We want to provide for all movements.

Commissioner Howlett said it seemed to him that even if you determine the interstate project through some preliminary assessment can't be done, there ought to be a way to do an enhanced project using the other access that is there. So we could begin to help the community of Butte try and meet the objectives they've outlined. That might mean adding a county road to the secondary system – I think there are all kinds of things we can do but we have to get through step one. Jan Brown said that they would have to do the engineering analysis first. Maybe we can find a way to make it work, but it may mean that you have some mitigation as far as additional improvements to the interstate that have to be done to make it work. But again I'm always going to come from the perspective of protecting the interstate. Commissioner Howlett said the one issue and surely an engineering analysis would discover this, but we do have an interchange that is close but in looking at that interchange,

we already have a high accident rate at that interchange for getting off. I'll bet when we go home today we've got a truck tipped over at the bottom of that hill. I don't think there is much we can do with that interchange. The engineering analysis should determine that. Jan Brown said the engineering analysis would have to take that broader look and I would say they would incorporate that existing interchange and see what the impact was there. We are certainly willing to work with the Department on that analysis.

Representative Keenan said that one of the things they were planning for the highway system that came out in the planning meetings was that economic impact was now a big consideration of the highway system. You heard it in the last presentation about the home developments. The reason that is happening is the highway up there, however you look at that. If you take a look here in Helena at the new interchange, there is an economic impact because of the development all around it. The interchanges are spaced fairly close between Montana City and where you get off at the capital, but it is needed. If you take a look at the Butte system, it hasn't been changed – Bozeman has been changed, Billings has been changed, Great Falls has been changed, but Butte the system hasn't been changed since its inception. Part of that analysis needs to recognize that the old way to get out of Butte was to head up the hill but the new resurgence in Butte isn't at the flats. We have all kinds of redevelopment of the uptown area. The only access we have to the uptown area in Butte is through the current interchanges and through the community. The economic analysis for Butte needs to recognize that we need to divert the traffic where we can and the only way to do that is to put an interchange in a different location to get that current traffic out of the uptown area and off the north end of the city, even traffic that comes in on the north end of the city to be able to head north to Helena. So in any analysis we have to remember, the interstate highway system currently is impacted by its economic analysis just as it has done in every other community in the State. Butte needs to have that fair economic analysis to recognize that we need a different interchange to expand the growing population we are currently having and it is a long time coming but it is happening and there is revitalization in the uptown area. That is what Bob is talking about. We don't have the access that other communities have and their expansion is going in a different direction than Butte, but this is our expansion.

Chairman Kennedy said they would be waiting for the Supreme Court and the other piece is to get the checklist going so that you folks and the Commission know exactly how to proceed. Once you get the positive approval from the Supreme Court then look at the environmental and then going on. The other piece is to make sure you line your ducks up making sure you have the funding in place. I wouldn't stop that process at all.

Agenda Item 12: Commission Discussion

Chairman Kennedy said they received a letter from the Alabama Department of Transportation and I wanted to read it:

Dear Mr. Kennedy,

On behalf of ASHTO Audit Subcommittee I would like to extend our thanks for the hospital we received from your agency during our recent annual meeting. The 45 states that attended the meeting were particularly grateful for the work of Dennis Sheehy and his staff for not only hosting the meeting, but arranging for speakers for most of the sessions. They did an outstanding job. Once again thank you for your support of our annual meeting.

Sincerely,

Lamar McDavid, Chairman of the ASHTO Audit Subcommittee.

He said he wanted to read that for the record. He noted that we on the Highway Commission Board want to thank Dennis and his staff for the all the hard work they've done. I want that as part of the record for recognition. Chairman Kennedy asked Director Jim Lynch if he would pass that on to Dennis and his staff stating that so many times we hear when the road isn't sanded, or we don't have funding for something, or people are upset with us and a lot of times we forget about all the good things that happen through the department. So we like to pass those on and thank them for the work they've done.

Commissioner Lynch said that as you know we had a very significant project in MDT history last year and that was the failure of the Beartooth and the work it took with the Department of Transportation, Federal Highways, US Park Service, National Forest Service, EPA. Just about every governmental agency in the State of Montana was involved in rebuilding the roadway which the public figured would take two or three years to rebuild and we got it done in roughly four months. The significant thing about that is a lot of times those who aren't familiar with highway construction and what it takes and the procedures that are done, could sometimes question that if we could get a project done in four months how good is the project. Well this project has now received four awards and this is its fifth award and it was an award presented to the Department of Transportation at the ASHTO Conference. It is the Design of Work Competition for the Beartooth Highway Emergency Repairs and the project received the Excellence Award for 2006. So not only was that project a very significant project for the State of Montana and something we've never had to deal with before, but it shows you the caliber of the people working at the department and how we can work with our federal partners and the other agencies involved in making something happen positively and ending up with a very exceptional project. I just want to advise you that we are and you are being recognized for the Excellence Award for 2006 for the Design and Build Category. Chairman Kennedy said on behalf of this Board we would like to pass on to Director Lynch and all the staff that was involved in the Beartooth Highway the recognition on the award.

Director Lynch said there were a lot of folks from the department involved in that project. There were three teams of people that all received the Governor's Excellence Award about a week and half ago, which is the award the Governor gives to state employees on an annual basis. We had great representation and it was quite an honor.

Commissioner Howlett stated he was tickled that we received all the awards on Beartooth but noted it doesn't diminish what happens absent a major emergency. When a truck came by and hit the bridge in Butte, almost immediately they had traffic rerouted and within months they had the bridge rebuilt and back in service. You guys do that as part of your business and on that project you didn't get any credit like you did on the Beartooth, but it doesn't diminish the role that I think this department does on every emergency and every project they do. I would like you to know that. Director Lynch said he appreciated that. He stated we have a Department of Transportation and a caliber of employees who really understand our mission statement which is "serving you with pride." They do that every day.

Director Lynch said he had another announcement. Some of you have worked with Jan Brown for several years and some for just the last couple of year, but Jan has received a promotion and will be moving on to the State of Texas. She will be leaving as our Director of Federal Highways and Mike Duman will be the Acting Director until they find a replacement. Jan Brown stated she was looking forward to it. She said she will be stationed in Austin, Texas. Texas is one of the three states within the United States with a large enough program to have Senior Executive Service and one of only three states designated as Senior Executive. It is a privilege and honor being selected for that positions but it is not without mixed feelings because Montana has just been great. Some of the issues we address here are certainly as challenging as the ones I'll be facing in Texas. At the same time there are many things happening in Texas from a transportation perspective that are really pushing the envelope of transportation so I'm excited about it. Director Lynch said that it goes to show that we've trained her well. Chairman Kennedy and the Board congratulated her on the promotion. Jan Brown said that she would continue to have Montana ties because she will be leaving her son back at Montana State and he says he is not leaving Montana.

Commissioner Howlett stated he was sorry to see Jan go. I have worked with her for the last seven years through some difficult issues up on the Flathead related to Hwy 93. I hope that in leaving we have given you as much as you've given us. Jan said that U.S. 93 was one of the first issues presented to her. Jim thought I was crazy and I can still remember going into one of the one-on-ones with Jim and Marvin Dye when I said we were going to get to a solution just wait and see. You and Marv both thought I must be crazy. That really was one of the most satisfying experiences I've had here in the state; that we were able to come to an agreement. She noted that she would be here until the end of the year and said she was glad she got to go on the record for the Lady of the Rockies. That one's been around for me as long as U.S. 93 has and will be an interesting challenge for you guys.

Director Lynch stated that Commissioner Howlett at the last Commission meeting talked about the speed study on Big Arm. He stated the information has been gathered and will be presented at the December 6th meeting as a recommendation from the department. He noted that the last conference call the Commission directed the department to analyze the D4-D5 culverts and bring that information back to the Commission.

D4-D5 Culverts Project

Loran Frazier addressed the Commission. The D4-D5 culverts that came in a little higher than the engineer's estimate and outside guidelines and we asked for some additional time to analyze that. One of the bidders stated that if we had detours rather than trying to work half the roadway at a time in some of the areas around wetlands and tight right-of-ways we could have saved a lot of money. Our staff spent quite a bit of time since September until now analyzing that. They have come up with an estimate that if we would try and do some of these detours it would cost our department an additional \$400,000 to obtain additional right-of-way and additional materials to build those detours. They have come up with a pretty good plan on how to construct these in tight areas. Our recommendation is to award that project to the low bidder.

We had two bidders on this project: Martin Construction and their bid was \$2,665,427.61; bidder number two was Wickins Construction and their bid was \$2,727,720.50. The engineer's estimate at that time was \$1,960,375.00. Director Lynch said we could have waited until the December meeting to bring this before you but we felt it was important. We talked about it on our conference call and we didn't have all the information in time to get it in your packet but rather than delay a month we decided to bring it to you now.

Chairman Kennedy asked if the department's recommendation was to go with the low bidder of Martin Construction. Loran Frazier answered yes. Commissioner Howlett asked Loran about the numbers: you said you contacted the construction companies and they said they could do it for \$400,000 less if they could construct detours? Loran Frazier stated that the second bidder said if we would provide detours around these areas, we could save a substantial amount of money noting he was justifying why the bids were higher than the engineer's estimate. We explored that and found the detours would add an additional \$400,000 to the project. Commissioner Howlett wondered where the money would be saved. Loran said that they did not see any money saved but did see that if they would do as suggested, it would cost the department a delay of a little over one year and an estimated \$395,000, noting there would also be staff time involved to obtain an additional 404 Permits, additional 124 Permits if we could go into some of those wetlands areas with a detour, and the additional cost of restoration. Chairman Kennedy asked about the original estimate. Loran said the original engineer's estimate was \$1,960,375.00 and the low bid was about 35% above that estimate. The adjusted engineer's estimate we were able to justify would be \$2,058,206.78 but given the time frame of going back to get additional permits, additional work, we feel we should award this project. Chairman Kennedy asked what percent it is over. Loran said 27%. Chairman Kennedy told the Commission it was within their parameters to go ahead and award, so we could weigh that and go forward. He asked Loran if the project was delayed any longer if it was going to cost more. Loran said if we delay it any longer we estimate it will cost quite a bit more noting this was a culvert replacement project and one of the risks is there are two culverts that have a good potential to collapse in the next year and felt it would be prudent to replace those and go forward. Commissioner Griffith asked if it was a near emergency. Loran said it was near an emergency, it is not right now but the potential was there that it could be. Commissioner Howlett felt with fuel prices on the slide but on the rise the Commission should probably get locked into this contract.

Commissioner Howlett moved to award the contract on the D4-D5 culverts to the low bid with is Martin Construction. Commissioner Griffith seconded the motion. All five Commissioners voted aye.

Motion passed unanimous.

Memorial Markers

Director Lynch said they were talking about two different issues noting this addresses the American Legion crosses for the interstate. Currently American Legion crosses are on any system in our primary roadways although a few have drifted onto the interstate system but officially there is not policy for the interstate. This could be a guideline for placement of memorial markers. Chairman Kennedy asked if we had talked to the American Legion about the guidelines. Director Lynch said they took the guidelines from the Interstate System. Director Lynch stated he would not want to dilute what the American Legion has done and established way back in the 50's. In reading the minutes from the meetings, memorial markers are a different. These can be guidelines that can be adjusted for the department to use to deal with a family who may want to put up a memorial which is separate from the white marker process. Rather than trying to get exactly what is going to happen with each different circumstance, i.e., the highway, the location, Federal Highways may need to get involved, what the memorial is going to look like, what it is going to be made of or composed of, this gives us some guidelines to sit down with a family who may want to do that and at least start the process. If we have a request for a memorial maker then we can bring it back to the Commission with concurrence from the Federal Highways.

Chairman Kennedy asked about the memorial markers the American Legion puts up. Has anyone from the American Legion actually looked at this and make a comment on it. Loran Frazier said no. Given the short time between Commission meetings, I took the 1950 policy that is in place with the American Legion and took out the reference to white cross and put in the term marker. I also added a couple of other items for discussion such as location for safety reasons such as outside clear zone. Not knowing what type of memorial would be put up, the phrase "outside the clear zone" is significant because with something like a smaller metal plate like the cross on a delineated post, if someone were to hit that it would bend over and not come through the windshield versus a heavier object on a pole; we don't want something entering the car compartment through the windshield. These are items for discussions at this point, we just basically took what was in place for a two-lane and added some items we felt would help discussion. Chairman Kennedy said there were two different discussions; one, I don't want to loose the American Legion who has been putting these out for years and I don't want to take away from that; second, the discussion about different memorial markers. He stated he would like to put this on the agenda for our next Board meeting and notify someone from the American Legion just in case they have any input on this and then go forward with this policy, so we can address Commissioner Howlett's question on memorial markers that family or friends may want to put in remembrance of a family member or friend. He felt that was a separate issue from the American Legion crosses.

Director Lynch wanted the Commission to understand they were not touching anything the American Legion was doing currently. This was in reference in allowing American Legion, if they want to, to put someone on the interstate, which presently they do very infrequently. I agree that is a great program and I would not recommend any changes to it. Chairman Kennedy said all the Commission would be doing is approving the policy which as been around but noted he would like to find out if they have any input before approving the final policy. Director Lynch said it would be a guideline not a policy; there would be some flexibility from situation-to-situation. Chairman Kennedy asked that it be put on the regular agenda for the next meeting that would be great.

Commissioner Howlett said he appreciated the work that has been done on this. He said he realized it was a separate issue but also realized that one may be in lieu of another noting that as long as there are consistent guidelines that would address that. We got into the discussion about the issue of a cross versus something else, so as long as we have the general guidelines it certainly satisfies the intent of why I brought this issue forward. Thank you for the work.

Public Comment

Red Mannix, Powell County Commissioner, was in attendance but said he was just there just to observe. Chairman Kennedy said they would note that he was in attendance and thanked him from coming

Agenda Item 13: Next Commission Meeting

Chairman Kennedy stated the next Commission meeting is scheduled for December 7, 2006, which is also a letting day so the Commission could partake in the bid letting. There is also a November 13th conference call scheduled for 10 a.m. If there is nothing else, at this time we stand adjourned. Drive carefully.

Bill Chairman Kennedy, Chairman
Montana Transportation Commission

Jim Lynch, Director
Montana Department of Transportation

Lori K. Ryan, Secretary
Montana Transportation Commission